

*Sub
D67*

86. (New) The pharmaceutical composition of Claim 85 wherein the monoclonal antibody inhibits the biological activity of the human 8F4 polypeptide.

87. (New) The pharmaceutical composition of Claim 85 wherein the monoclonal antibody activates the biological activity of the human 8F4 polypeptide.

*Sub
D77
B2 cord*

88. (New) A method for producing the monoclonal antibody of Claim 71, comprising: culturing an antibody-secreting hybridoma obtained by fusion of a myeloma cell line cell with a spleen cell of a mouse immunized with 2-signal-activated human T lymphocytes, such that the monoclonal antibody is produced.

REMARKS

The Examiner has required an election under 35 U.S.C. § 121 and § 372 of one of the inventions set forth in the instant Office Action. In response, Applicant hereby elects to prosecute the claims of Group III (claims 15-22, 53-55, and 70), drawn to antibodies to a costimulating molecule, pharmaceutical compositions thereof, hybridomas producing said antibodies, and a method of producing antibodies to said molecule.

Claims 1-28 and 53-70 were pending in this application. Claims 1-28 and 53-70 have been canceled without prejudice to Applicant's rights to pursue the subject matter of the claims in related patent applications. New claims 71-88 drawn to the elected subject matter, have been added. Claims 71-88 therefore, are currently pending in this application. A copy of the pending claims is attached hereto as Exhibit C.

The new claims are fully supported by the instant specification (see, e.g., page 1, lines 8-17, page 4, line 13 to page 6, line 7, page 7, lines 1-39, and the examples presented at pages 11-24), and do not represent new subject matter.

Applicant has amended the title and the cross reference section of the application. A marked up version of the title and text of the cross reference section in the specification showing the amendments made herein is attached hereto as Exhibit A. In Exhibit A, the deletion and addition of matter to the title and cross reference section of the application is indicated by brackets and underlining, respectfully. Also, attached hereto as Exhibit B is a clean copy of the title and cross reference section of the application, as amended herein. The amendments to the specification do not introduce new matter as defined in 35 U.S.C. § 132.

Applicant submits herewith a Declaration of Richard Kroczek Under 37 C.F.R. § 1.131, attached hereto as Exhibit D, demonstrating that the claimed subject matter was conceived of and reduced to practice prior to November 1996, *i.e.*, prior to the publication date of Redoglia *et al.* (of record).

Entry of the amendments and remarks made herein is respectfully requested.

Respectfully submitted,

Date May 24, 2001

Laura A. Coruzzi ⁶⁴ 30,742
(Reg. No.)

Nicholas C. Gege Reg. No. 39,201
PENNIE & EDMONDS LLP
1155 Avenue of the Americas
New York, New York 10036-2711
(212) 790-9090

Enclosures